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14 *Attorneys for the Official Committee of Equity Security
 Holders of USA Capital Diversified Trust Deed Fund, LLC*

15 **UNITED STATES BANKRUPTCY COURT**

16 **DISTRICT OF NEVADA**

18 In re:
 19 USA COMMERCIAL MORTGAGE COMPANY,
 Debtor.

Case No. BK-S-06-10725 LBR
 Case No. BK-S-06-10726 LBR
 Case No. BK-S-06-10727 LBR
 Case No. BK-S-06-10728 LBR
 Case No. BK-S-06-10729 LBR

20 In re:
 21 USA CAPITAL REALTY ADVISORS, LLC,
 Debtor.

Chapter 11

22 In re:
 23 USA CAPITAL DIVERSIFIED TRUST DEED
 FUND, LLC,
 Debtor.

Jointly Administered Under
 Case No. BK-S-06-10725-LBR

24 In re:
 25 USA CAPITAL FIRST TRUST DEED FUND, LLC,
 Debtor.

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1 In re:
 2 USA SECURITIES, LLC,
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 4 Debtor.

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**JOINT EX PARTE APPLICATION
 FOR ORDER REQUIRING
 CUSTODIAN OF DOCUMENTS FOR
 BEADLE, MCBRIDE, EVANS &
 REEVES, LLP, TO APPEAR
 FOR EXAMINATION PURSUANT
 TO FEDERAL RULE OF
 BANKRUPTCY PROCEDURE 2004**

11 [No hearing required]

12 Affects:

13 All Debtors
 14 USA Commercial Mortgage Company
 15 USA Securities, LLC
 16 USA Capital Realty Advisors, LLC
 17 USA Capital Diversified Trust Deed Fund, LLC
 18 USA First Trust Deed Fund, LLC

19 Pursuant to Rule 2004 of the Federal Rules of Bankruptcy Procedure (hereinafter, the
 20 “Bankruptcy Rules”), USA Capital Diversified Trust Deed Fund, LLC (hereinafter,
 21 “Diversified”), and the Official Committee of Equity Security Holders of USA Capital
 22 Diversified Trust Deed Fund, LLC (hereafter, the “Diversified Committee”), by and through
 23 their respective counsel noted above,¹ hereby apply to this Court for an order setting the
 24 examination of Garth McBride, under oath, under Bankruptcy Rule 2004. This Application is
 25 explained in the following Memorandum.

26
MEMORANDUM

27 Diversified and the Diversified Committee are seeking information from Garth McBride
 28 concerning the financial audits and/or reviews performed by Beadle, McBride, Evans & Reeves,
 LLP on Diversified, the other debtors in the above-captioned cases (together with Diversified,
 the “Debtors”), and the Debtors’ affiliates, subsidiaries, parents, or otherwise related entities.
 Diversified and the Diversified Committee seek this information to assist in the collection of the
 assets and investigation of the liabilities of Diversified.

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1 The requested discovery from Garth McBride is well within the scope of the examination
2 permitted pursuant to Bankruptcy Rule 2004, which includes:

3 [A]cts, conduct, or property or . . . the liabilities and financial condition of
4 the debtor, or . . . any matter which may affect the administration of the
5 debtor's estate, or to the debtor's right to a discharge. In a . . .
6 reorganization case under chapter 11 of the Code, . . . the examination
7 may also relate to the operation of any business and the desirability of its
8 continuance, the source of any money or property acquired or to be
9 acquired by the debtor for purposes of consummating a plan and the
10 consideration given or offered therefore, and any other matter relevant to
11 the case or to the formulation of a plan.

12 Fed.R.Bankr.P. 2004(b).

13 Bankruptcy Rule 2004(a) provides that “[o]n motion of any party in interest, the court
14 may order the examination of any entity.” Rule 2004 of the Local Rules of Bankruptcy
15 Procedure (hereinafter, the “Local Rules”) provides, in pertinent part:

16 (b) Order for examination. Orders for examination may be signed by
17 the clerk if the date set for examination is more than ten (10) business days
18 from the date such motion is filed....

19 LR 2004(b).

20 As required by the Local Rules, the date for the proposed examination is more than ten
21 (10) business days from the date of this Motion.

22 CONCLUSION

23 Accordingly, Diversified and the Diversified Committee respectfully request that the
24 Clerk of the Court docket the form of Order submitted herewith requiring Garth McBride to
25 testify under oath on the matters outlined above and requiring that Garth McBride, under Rule
26 30(b)(6) of the Federal Rules of Civil Procedure, be required to appear on February 28, 2007, at
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1 11:00 o'clock a.m. prevailing Pacific Time at the law offices of Beckley Singleton, Chtd., 530
2 Las Vegas Boulevard South, Las Vegas, Nevada 89101.

3 Respectfully submitted this 1st day of February 2007.

4 BECKLEY SINGLETON, CHTD.

RAY, QUINNEY & NEBEKER, P.C.

5 /s/ Anne M. Loraditch

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Trust Deed Fund, LLC*

15 *Attorneys for Debtors and Debtors-in-Possessor*

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